

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

**GOVERNMENT'S RESPONSE TO DEFENDANT'S  
MOTION FOR REDUCTION OF SENTENCE**

The United States of America, by its undersigned counsel, hereby responds to the Defendant's Motion to Reduce Sentence, pursuant to Title 18, United States Code Section 3582(c)(2) and U.S.S.G. § 1B1.10. The government does not object to the defendant's motion requesting that the Court enter an order reducing his term of imprisonment, as set forth below, from 235 to 188 months, following his previous conviction for conspiracy to distribute 50 grams or more of crack cocaine. In all other respects, the Court's judgment should remain unchanged.

## **SENTENCING HISTORY:**

BOP No.	49906-083
Offense(s) of Conviction	Conspiracy to distribute 50 grams or more of crack cocaine, 21 U.S.C. §§ 841(a)(1) & 846
Original Sentencing Date	October 25, 1996

Original Guideline Findings of the Court for  
Crack Count

Drug Quantity	150 - 500 grams
Offense Level Total	36
Criminal History Total	III
Guideline Range	235 to 293 months
Statutory Minimum Sentence	10 years
5K Motion	N/A
Guideline Range after 5K Motion	N/A
Original Sentence of Imprisonment for Crack Count	235 months
Pending Matters (Appeal or 28 U.S.C. § 2255)	N/A
Place of Confinement	Lee USP
Projected Release Date	09/01/2013

**ELIGIBILITY FACTORS:**

The government has determined that the defendant is eligible for a reduction in his term of imprisonment as a result of the amended guideline range for crack cocaine offenses. The government has considered the factors set forth in 18 U.S.C. § 3553(a) and the defendant's post-sentence conduct, as reflected in records obtained from the United States Bureau of Prisons, and does not object to a reduction in the defendant's sentence of imprisonment.

**REVISED GUIDELINE CALCULATIONS:**

Drug Quantity	150 - 500 grams
Offense Level Total	34
Criminal History Category	III
Guideline Range of Imprisonment	188 - 235 months

The sentence previously imposed by the Court was at the low end of the guideline range. The government does not object to a reduction in the defendant's sentence of imprisonment from 235 months to 188 months, which is the low end of the revised guideline range. In all other respects, the Court's original sentence should remain unchanged.

Respectfully Submitted,

Chuck Rosenberg  
United States Attorney

By: \_\_\_\_\_ /s/  
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Filed: September 19, 2008

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 19<sup>th</sup> day of September, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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/s/

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